

Complaint by Zambia against South Africa

Decisions

At its 1944th meeting, on 27 July 1976, the Council decided to invite the representatives of Zambia, South Africa and Mauritania to participate, without vote, in the discussion of the item entitled "Complaint by Zambia against South Africa: letter dated 19 July 1976 from the Chargé d'affaires *a.i.* of the Permanent Mission of Zambia to the United Nations addressed to the President of the Security Council (S/12147)".⁴¹

At the same meeting, the Council also decided to extend an invitation, under rule 39 of the provisional rules of procedure, to a delegation of the United Nations Council for Namibia, composed of the Acting President of that body and the representatives of Botswana and Yugoslavia.

At its 1945th meeting, on 28 July 1976, the Council decided to invite the representatives of Cuba, Egypt, Ethiopia, Liberia, Madagascar, Uganda and Zaire to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided to extend an invitation, under rule 39 of the provisional rules of procedure, to a representative of the Special Committee against *Apartheid*.

At the same meeting, the Council further decided, at the request of the representative of Benin,⁴² to extend an invitation to Mr. O. T. Emvula under rule 39 of the provisional rules of procedure.

At its 1946th meeting, on 29 July 1976, the Council decided to invite the representatives of Botswana, Mozambique, Qatar, Sierra Leone and Yugoslavia to participate, without vote, in the discussion of the question.

At its 1947th meeting, on 30 July 1976, the Council decided to invite the representative of Guinea to participate, without vote, in the discussion of the question.

At its 1948th meeting, on 30 July 1976, the Council decided to invite the representative of Mauritius to participate, without vote, in the discussion of the question.

⁴¹ *Ibid.*, Supplement for July, August and September 1976.

⁴² *Ibid.*, document S/12154.

Resolution 393 (1976)

of 30 July 1976

The Security Council,

Taking note of the letter of the representative of the Republic of Zambia contained in document S/12147,⁴¹

Having considered the statement of the Minister for Foreign Affairs of the Republic of Zambia,⁴³

Gravely concerned at the numerous hostile and unprovoked acts by South Africa violating the sovereignty, air space and territorial integrity of the Republic of Zambia, resulting in death and injury of innocent people as well as in the destruction of property and culminating on 11 July 1976 in an armed attack which resulted in the regrettable loss of 24 innocent lives and the injury of 45 other persons.

Gravely concerned at South Africa's use of the international Territory of Namibia as a base for attacking neighbouring African countries,

Reaffirming the legitimacy of the struggle of the people of Namibia to liberate their country from the illegal occupation of the racist régime of South Africa,

Convinced that the continuance of the deteriorating situation in southern Africa could constitute a threat to international peace and security,

Conscious of the need to take effective steps for the prevention and removal of threats to international peace and security,

Recalling its resolution 300 (1971) of 12 October 1971, which, *inter alia*, called upon South Africa to respect fully the sovereignty and territorial integrity of Zambia,

Bearing in mind that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns* the armed attack of South Africa against the Republic of Zambia, which constitutes a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Demands* that South Africa scrupulously respect the independence, sovereignty, air space and territorial integrity of the Republic of Zambia;

3. *Demands* that South Africa desist forthwith from the use of the international Territory of Namibia as a base for launching armed attacks against the Republic of Zambia and other African countries;

4. *Commends* the Republic of Zambia and other "front-line" States for their steadfast support of the people of Namibia in their legitimate struggle for the liberation of their country from illegal occupation by the racist régime of South Africa;

5. *Declares* that the liberation of Namibia and Zimbabwe and the elimination of *apartheid* in South Africa are necessary for the attainment of justice and lasting peace in the region;

⁴³ *Ibid.*, Thirty-first Year, 1944th meeting.

6. *Further declares* that, in the event of South Africa committing further acts of violation of the sovereignty and territorial integrity of Zambia, the Security Council will meet again to consider the adoption of effective measures,

in accordance with the appropriate provisions of the Charter of the United Nations.

Adopted at the 1948th meeting by 14 votes to none, with 1 abstention (United States of America).

Complaint by Lesotho against South Africa

Decisions

At its 1981st meeting, on 21 December 1976, the Council decided to invite the representatives of Lesotho and Madagascar to participate, without vote, in the discussion of the item entitled "Complaint by Lesotho against South Africa: letter dated 16 December 1976 from the Permanent Representative of Lesotho to the United Nations addressed to the President of the Security Council (S/12257)".⁴⁴

At its 1982nd meeting, on 22 December 1976, the Council decided to invite the representatives of Botswana and Mauritius to participate, without vote, in the discussion of the question.

Resolution 402 (1976)

of 22 December 1976

The Security Council,

Having heard the statement of the Minister for Foreign Affairs of the Kingdom of Lesotho on 21 December 1976,⁴⁵

Gravely concerned at the serious situation created by South Africa's closure of certain border posts between South Africa and Lesotho aimed at coercing Lesotho into according recognition to the bantustan Transkei,

Recalling relevant General Assembly resolutions, in particular resolution 3411 D (XXX) of 28 November 1975, condemning the establishment of bantustans and calling on all Governments to deny recognition to the bantustans,

Recalling further General Assembly resolution 31/6 A of 26 October 1976, on the so-called independent Transkei and other bantustans, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans,

Noting with appreciation the decision of the Government of Lesotho not to recognize the bantustan Transkei in compliance with United Nations decisions,

Considering that the decision of Lesotho constitutes an important contribution to the realization of United Nations objectives in southern Africa in accordance with the principles and purposes of the Charter of the United Nations,

Taking note of the urgent and special economic needs of Lesotho arising from the closure of the border posts,

1. *Endorses* General Assembly resolution 31/6 A, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans;

2. *Commends* the Government of Lesotho for its decision not to recognize the so-called independence of the Transkei;

3. *Condemns* any action by South Africa intended to coerce Lesotho into according recognition to the bantustan Transkei;

4. *Calls upon* South Africa to take immediately all necessary steps to reopen the border posts;

5. *Appeals* to all States to provide immediate financial, technical and material assistance to Lesotho so that it can carry out its economic development programmes and enhance its capacity to implement fully the United Nations resolutions on *apartheid* and bantustans;

6. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Development Programme, the World Food Programme and all the United Nations specialized agencies, to assist Lesotho in the present situation and to consider periodically the question of economic assistance to Lesotho as envisaged in the present resolution;

7. *Requests* the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to the Kingdom of Lesotho to enable it to overcome the economic difficulties arising from the closure of the border posts by South Africa owing to the refusal of Lesotho to recognize the so-called independence of the Transkei;

8. *Further requests* the Secretary-General to keep the situation under constant review, to maintain close liaison with Member States, regional and other intergovernmental organizations, the specialized agencies and international financial institutions, and to report to the Security Council at its subsequent meeting on the question;

9. *Decides* to remain seized of the question.

Adopted at the 1982nd meeting by consensus.

⁴⁴ *Ibid.*, *Thirty-first Year, Supplement for October, November and December 1976.*

⁴⁵ *Ibid.*, *Thirty-first Year*, 1981st meeting.